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BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

WILLIAM HACKBERT, PH.D.  
612 Pennsylvania Avenue  
San Diego, CA 92103

Case No. W216

Psychologist License No. PSY 5443

Respondent.

**ORDER CORRECTING CLERICAL ERROR**

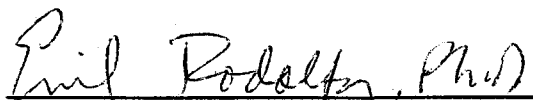
On its own motion, good cause appearing, the Board of Psychology finds that there is a clerical error in its Decision and Order adopting the Default Decision in the above captioned action.

It is hereby ordered that first sentence of the Decision and Order adopting said Default Decision be and is amended and corrected nunc pro tunc as of the date of entry of the decision to read as follows:

"The attached Default Decision in case number W216, is hereby adopted as the Decision and Order of the Board of Psychology, Department of Consumer Affairs."

In all other respects the Order remains the same.

IT IS SO ORDERED this 23rd day of May, 2002.



EMIL RODOLFA, Ph.D.  
President, Board of Psychology  
Department of Consumer Affairs

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2  
3 **DECISION AND ORDER**  
4 **OF THE**  
5 **BOARD OF PSYCHOLOGY**

6  
7 **DEPARTMENT OF CONSUMER AFFAIRS**

8  
9 The attached Stipulation in case number W216, is hereby adopted as the Decision and  
10 Order of the Board of Psychology, Department of Consumer Affairs. An effective date of  
11 May 16, 2002 has been assigned to this Decision and Order.

12  
13 Made this 16th day of April, 2002.

14  
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16 M.R. Greenberg  
17 Martin R. Greenberg, Ph.D.  
18 President, Board of Psychology  
19 Department of Consumer Affairs  
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**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

WILLIAM HACKBERT, PH.D.  
612 Pennsylvania Avenue  
San Diego, CA 92103

Psychologist License No. PSY 5443

Respondent.

Case No. W216

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 6, 2001, Complainant Thomas S. O'Connor, in his official capacity as Executive Officer of the Board of Psychology, Department of Consumer Affairs, State of California, filed Accusation No. W216 against WILLIAM HACKBERT, Ph.D. (Respondent) before the Board of Psychology (Board).

2. On or about June 28, 1978, the Board of Psychology issued Psychologist License No. PSY 5443 to Respondent. The Psychologist License expired on July 31, 1999, and has not been renewed.

3. On or about August 6, 2001, Mary Laackmann, an employee of the Complainant Agency, served by Certified Mail a copy of the Accusation No. W216, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 612

1 Pennsylvania Avenue, San Diego, CA 92103. A copy of the Accusation, the related  
2 documents, and Declaration of Service are attached as "**Exhibit A**", and are incorporated herein  
3 by reference.

4 4. Service of the Accusation was effective as a matter of law under the  
5 provisions of Government Code section 11505, subdivision (c).

6 5. On or about September 1, 2001, the green receipt card was signed  
7 indicating receipt of the above-mentioned documents mailed to respondent's address of record  
8 with the Board. A copy of the postal returned receipt card is attached hereto as "**Exhibit B**,"  
9 and incorporated as if fully set forth herein.

10 6. Business and Professions Code section 118 states, in pertinent part:

11 "(b) The suspension, expiration, or forfeiture by operation of law of a license  
12 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
13 board or by order of a court of law, or its surrender without the written consent of the board, shall  
14 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the  
15 board of its authority to institute or continue a disciplinary proceeding against the licensee upon  
16 any ground provided by law or to enter an order suspending or revoking the license or otherwise  
17 taking disciplinary action against the license on any such ground."

18 7. Government Code section 11506 states, in pertinent part:

19 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
21 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
22 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

23 8. Respondent failed to file a Notice of Defense within 15 days after service  
24 upon him of the Accusation, and therefore waived his right to a hearing on the merits of  
25 Accusation No. W216.

26 9. California Government Code section 11520 states, in pertinent part:

27 "(a) If the respondent either fails to file a notice of defense or to appear at the  
28 hearing, the agency may take action based upon the respondent's express admissions or

1 upon other evidence and affidavits may be used as evidence without any notice to  
2 respondent."

3 10. Pursuant to its authority under Government Code section 11520, the Board  
4 finds Respondent is in default. The Board will take action without further hearing and, based on  
5 Respondent's express admissions by way of default and the evidence before it, contained in  
6 Exhibits A and B, finds that the allegations in Accusation No. W216 are true.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent WILLIAM  
9 HACKBERT, Ph.D. has subjected his Psychologist License No. PSY 5443 to discipline.

10 2. A copy of the Accusation and the related documents and Declaration of  
11 Service are attached.

12 3. The agency has jurisdiction to adjudicate this case by default.

13 4. The Board of Psychology is authorized to revoke Respondent's  
14 Psychologist License based upon the following violations alleged in the Accusation:

15 a. Business and Professions Code sections 2960(j) and (r) [gross  
16 negligence and repeated acts of negligence;

17 b. Business and Professions Code section 726 [sexual misconduct  
18 with a patient];

19 c. Business and Professions Code section 2960(o) [sexual relations  
20 with a client]; and

21 d. Business and Professions Code section 2960(o) [fraudulently or  
22 neglectfully misrepresenting the type or status of license];

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ORDER

IT IS SO ORDERED that Psychologist License No. PSY 5443, heretofore issued to Respondent WILLIAM HACKBERT, Ph.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

Attachments:

Exhibit A: Accusation No.1F-2000-110925, Related Documents, and Declaration of Service

Exhibit B: Postal Return Documents

Exhibit A

Accusation No. 1F-2000-110925,  
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General  
of the State of California  
2 T. DOUGLAS MACCARTEE, State Bar No. 77252  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, California 92101

5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2072  
Facsimile: (619) 645-2061

7 Attorneys for Complainant  
8  
9

FILED  
STATE OF CALIFORNIA  
BOARD OF PSYCHOLOGY  
SACRAMENTO August 16 2001  
BY M. J. Jackson ANALYST

10 **BEFORE THE**  
11 **BOARD OF PSYCHOLOGY**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. W216

14 WILLIAM HACKBERT, PH.D.  
612 Pennsylvania Avenue  
15 San Diego, CA 92103

**A C C U S A T I O N**

16 Psychologist License No. PSY 5443

17 Respondent.  
18

19 Complainant alleges:

20 **PARTIES**

21 1. Thomas S. O'Connor ("Complainant") brings this Accusation solely in his  
22 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer  
23 Affairs.

24 2. On or about June 28, 1978, the Board of Psychology issued Psychologist  
25 License Number PSY 5443 to WILLIAM HACKBERT, Ph.D. ("Respondent"). The Psychologist  
26 License expired on July 31, 1999, and has not been renewed.

27 ///

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## JURISDICTION

3. This Accusation is brought before the Board of Psychology ("Board"), under the authority of the following sections of the Business and Professions Code ("Code").

4. Section 2960 of the Code states:

The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or psychological assistant.

(b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that this use impairs his or her ability to perform the work of a psychologist with safety to the public.

(c) Fraudulently or neglectfully misrepresenting the type or status of license or registration actually held.

(d) Impersonating another person holding a psychology license or allowing another person to use his or her license or registration.

(e) Using fraud or deception in applying for a license or registration or in passing the examination provided for in this chapter.

(f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

(g) Violating Section 17500.

(h) Willful, unauthorized communication of information received in professional confidence.

(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.

1 (j) Being grossly negligent in the practice of his or her profession.

2 (k) Violating any of the provisions of this chapter or regulations duly adopted  
3 thereunder.

4 (l) The aiding or abetting of any person to engage in the unlawful practice of  
5 psychology.

6 (m) The suspension, revocation or imposition of probationary conditions by another  
7 state or country of a license or certificate to practice psychology or as a psychological  
8 assistant issued by that state or country to a person also holding a license or registration  
9 issued under this chapter if the act for which the disciplinary action was taken constitutes a  
10 violation of this section.

11 (n) The commission of any dishonest, corrupt, or fraudulent act.

12 (o) Any act of sexual abuse, or sexual relations with a patient or former patient  
13 within two years following termination of therapy, or sexual misconduct that is substantially  
14 related to the qualifications, functions or duties of a psychologist or psychological assistant  
15 or registered psychologist.

16 (p) Functioning outside of his or her particular field or fields of competence as  
17 established by his or her education, training, and experience.

18 (q) Willful failure to submit, on behalf of an applicant for licensure, verification of  
19 supervised experience to the board.

20 (r) Repeated acts of negligence.

21 5. Section 726 of the Code states:

22 "The commission of any act of sexual abuse, misconduct, or relations with a patient,  
23 client, or customer constitutes unprofessional conduct and grounds for disciplinary action  
24 for any person licensed under this division, under any initiative act referred to in this division  
25 and under Chapter 17 (commencing with Section 9000) of Division 3.

26 "This section shall not apply to sexual contact between a physician and surgeon and  
27 his or her spouse or person in an equivalent domestic relationship when that physician and  
28

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1 surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her  
2 spouse or person in an equivalent domestic relationship.”

3 6. Section 125.3 of the Code provides, in pertinent part, that the Board may  
4 request the administrative law judge to direct a licensee found to have committed a violation or  
5 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
6 and enforcement of the case.

7 FIRST CAUSE FOR DISCIPLINE

8 (Gross Negligence, Repeated Acts of Negligence)

9 7. Respondent is subject to disciplinary action under subdivisions (j) and (r) of  
10 section 2960 on account of the following:

11 A. On or about August 28, 1995 patient T.I. first saw respondent for help  
12 in dealing with problems related to her divorce. She had been seeing another therapist, Dr.  
13 G.J., who was on vacation at that time.

14 B. Respondent held his sessions in his home on Pennsylvania Avenue.  
15 The living room acted as the waiting room and contained a sleeper couch where respondent  
16 slept. The sessions were held in the bedroom, which served as respondent's office.

17 C. Initially, T.I. saw respondent once a week for an hour, but that  
18 changed to two to three hours sessions in October or November.

19 D. Respondent began making suggestive comments to T.I. almost  
20 immediately, saying such things as T.I. should wear black, and not wear a bra or underwear.  
21 He told her he loved her breasts and legs. Respondent told T.I. he wanted her to chase him,  
22 and he would catch her. He told her “you’re my breast friend.” When T.I. told respondent  
23 to stop, he would. Respondent told T.I. he wanted to have a sexual relationship with her but  
24 he couldn’t cross the line. Because of his comments, T.I. asked respondent if she could see  
25 the psychological assistant who worked in respondent’s office. He told her no.

26 E. Respondent discussed his personal life with T.I., telling her that he  
27 had been twice married, that his first wife lived in Chicago, that he had a son who was an  
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1 entertainment lawyer in Los Angeles, that he had two brothers who lived in Chicago where  
2 his mother, whom he called a "psycho-bitch", still lived. He also told her about having sex  
3 with a patient he had treated many years ago, possibly in Chicago.

4 F. On one or two occasions T.I.'s session with respondent was  
5 interrupted by another of respondent's patients B.L.H. MS. B.L.H. returned a book of sexual  
6 nature to respondent, and after she left respondent told T.I. he was treating B.L.H. and her  
7 husband for marriage/sexual problems.

8 G. In October 1995, respondent began touching T.I. by giving her hugs  
9 after their sessions. Some time in October or November 1995 respondent said he wanted to  
10 massage T.I.'s neck. He also began rubbing his hand up her leg under her skirt, he touched  
11 her cleavage by swiping his hand down her shirt, and whispered sweet nothings to her.

12 H. As part of her therapy, respondent gave T.I. books on astrology and  
13 horoscopes. In or about January or February 1996, respondent performed hypnosis on T.I.  
14 and told her that they were married to each in a past life.

15 I. By Christmas 1995 the sessions were lasting four hours. T.I. was in  
16 daily telephonic contact with respondent who was calling her at various hours of the day.  
17 While she was fighting off his advances, she also felt he was protecting her by helping her  
18 with her attorney and a disability claim. Respondent called her "his woman", told her she  
19 needed to be dependent on him, and suggested she stop seeing her other therapist, Dr. J.

20 J. The first sexual encounter occurred on February 29, 1996, after  
21 respondent called T.I. at her home sometime between 10:00 p.m. and midnight and asked her  
22 to come to his home/office. He told her he was lonely, that he wanted to be with her, that  
23 she was his soul mate, and that he wanted to marry her. When T.I. arrived at respondent's  
24 residence he was wearing a nightshirt with a big kitty cat on the front, because, he said, he  
25 wanted "pussy". She and respondent began talking and drinking. Respondent also gave T.I.  
26 some Valium. After a couple of hours they began watching a porno movie, and engaging  
27 in foreplay, during which respondent shaved T.I.'s pubic hair, performed oral sex on her, and  
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1 began probing her with his fingers. They then had intercourse during which respondent had  
2 tied a ponytail holder around his penis, saying it would result in his staying up longer.

3 K. Respondent told T.I. she was his girlfriend, he was her boyfriend, and  
4 that he could wear both hats as therapist and boyfriend. T.I. continued to have "therapy"  
5 sessions with respondent, in which they engaged in intercourse and/or oral sex. She spent  
6 the night at respondent's home/office, as did T.I.'s daughter on a couple of occasions.

7 L. T.I. smoke marijuana with respondent, who told her he could  
8 prescribe medicinal marijuana to her.

9 M. In May 1996, respondent told T.I. to get a pager from Allstate Paging  
10 so he could page her for their encounters. After obtaining the pager as respondent ordered,  
11 he paged T.I. frequently.

12 N. T.I.'s sexual encounters with respondent continued until January or  
13 February 1997. She got mad at him on Valentines Day 1997 when she gave him a present,  
14 and he did not reciprocate. Respondent told her that she had to wait until all her legal issues  
15 were resolved. After she stopped their sexual relationship, respondent would continue to  
16 grab her during their sessions, and he would drop his pants and masturbate in front of her.

17 O. The "therapy" with respondent continued until January 1998.  
18 Although she also saw respondent socially during this time, there was no sex

19 P. The last time she saw respondent was a week before Christmas 1998  
20 when she went to see him about the house plants she had left at his residence. She had gone  
21 at the advice of her new therapist, Dr. R. When she saw respondent, he attempted another  
22 sexual encounter, talked about Monica Lewinsky, and asked "what's wrong with sex in the  
23 office?" He told her, "I want to fuck you."

24 Q. During the course of their relationship respondent gave T.I. a  
25 number of gifts. He also gave T.I.'s daughter a number of gifts.

26 R. During the course of her relationship with respondent T.I. told  
27 friends E.M., D.H., and M.L. about her sexual relationship with respondent.  
28

1 S. T.I. began seeing Dr. R. for therapy in October 1998. She told the  
2 doctor about her sexual relationship with respondent, and the doctor told her such a  
3 relationship was wrong and encouraged her to tell her attorney and the Medical Board.

4 T. After filing a civil suit against respondent, T.I. received a notice of  
5 bankruptcy which respondent filed on November 1, 2000.

6 U. At the time respondent was asked by the Medical Board to supply his  
7 records of treatment on T.I. he informed the Investigator that he had no session notes or  
8 testing material as they had been destroyed by a computer shutdown.

9 V. Among the various liabilities discharged by respondent in his  
10 bankruptcy petition was a \$16,000 loan he had received from his psychological assistant.

11 W. Respondent's psychology license expired on July 31, 1999, and has  
12 not been renewed, although he continued to provide psychological services after the  
13 expiration of the license.

14 8. Respondent is subject to disciplinary action for having committed gross  
15 negligence and repeated acts of negligence in violation of sections 2960 (j) and (r) during his care  
16 and treatment of patient T.I. The circumstances are as follows:

17 A. Paragraph 7 is incorporated by reference as if fully realleged herein.

18 B. Respondent engaged in a sexual relationship with patient T.I.

19 C. Respondent discussed with T.I. intimate details of his personal life.

20 D. Respondent engaged in a dual relationship with T.I. by giving her and  
21 her daughter gifts, receiving gifts and house plants from T.I., and allowing T.I. and her  
22 daughter to spend the night at his residence.

23 E. Respondent failed to recognize T.I.'s complex dynamics despite her  
24 being diagnosed with a personality disorder, and respondent failed to consult with  
25 colleagues, and failed to make any effort at referring her to another therapist for treatment.

26 F. Respondent failed to maintain case notes and other records on T.I.,  
27 attributing this failure to a 1997 computer crash.  
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1 G. Respondent used astrological charts in his treatment of T.I.

2 H. Respondent engaged in a dual relationship when he accepted a  
3 \$16,000 loan from his psychological assistant, which he discharged in his bankruptcy  
4 petition of 2001.

5 I. Respondent continued to provide psychological services to other  
6 patients after the expiration of his license on July 31, 1999.

7 J. Respondent had T.I. contact one of his other patients for a referral.

8 K. Respondent provided therapy to T.I. for nearly eight months while  
9 she continued to see another therapist, Dr. J.

10 L. Respondent failed to provide any formality to his termination of  
11 therapy with T.I.

12 SECOND CAUSE FOR DISCIPLINE

13 (Sexual Misconduct With a Patient)

14 9. Respondent is subject to disciplinary action under section 726 in that he  
15 engaged in a sexual relationship with patient T.I. as set forth in paragraph 7 which is incorporated  
16 by reference herein.

17 THIRD CAUSE FOR DISCIPLINE

18 (Sexual Relations with a Client )

19 10. Respondent is subject to disciplinary action under section 2960 (o) in that he  
20 had sexual relations with a patient as set forth in paragraph 7 which is incorporated by reference  
21 herein.

22 FOURTH CAUSE FOR DISCIPLINE

23 (Fraudulently or Neglectfully Misrepresenting the Type  
24 or Status of License or Registration Actually Held)

25 11. Respondent is subject to disciplinary action under section 2960(c) in that he  
26 continued to provide psychological services after the expiration of his license on July 31, 1999, as  
27 set forth in paragraph 7 which is incorporated by reference herein.  
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1 FIFTH CAUSE FOR DISCIPLINE

2 (Dishonest Acts )

3 12. Respondent is subject to disciplinary action under section 2960 (n) in that  
4 respondent committed dishonest acts as follows:

5 A. Paragraph 7 is incorporated by reference as if fully realleged  
6 herein.

7 B. Respondent presented himself as a psychologist in good standing from  
8 after July 31, 1999, when, in fact, his license expired on July 31, 1999, and was not renewed.

9 PRAYER

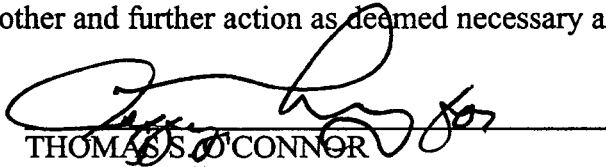
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and  
11 that following the hearing, the Board of Psychology issue a decision:

12 1. Revoking or suspending Psychologist License Number PSY 5443, issued to  
13 WILLIAM HACKBERT, Ph.D.;

14 2. Ordering WILLIAM HACKBERT, Ph.D. to pay the Board of Psychology the  
15 reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the  
16 costs of probation monitoring;

17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: August 6, 2001

19   
THOMAS S. O'CONNOR  
20 Executive Officer  
21 Board of Psychology  
22 Department of Consumer Affairs  
23 State of California

24 03598160-SD01AD0525  
25 H:\Hackbert acc FINAL.wpd  
26 SHZ:pll

27 Complainant  
28



Exhibit B  
Postal Return Documents

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William Hackbert, Ph.D.  
612 Pennsylvania Avenue  
San Diego, CA 92103

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature  ☐ Agent  
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0520 0021 8424 3223

102595-00-M-0952

PS Form 3811, July 1999

ACC 00 110925